



**REQUESTS FOR PROPOSALS
FOR
FEDERAL-STATE MARKET IMPROVEMENT GRANT PROGRAM FY21**
Funded by the United States Department of Agriculture
In Cooperation with
The Massachusetts Department of Agricultural Resources

Request for Response (RFR): RFR File: [AGR-FSMIP-2021](#)

**Responses must be received by
5:00PM Friday, April 16, 2021**
Responses must be sent to Rebecca Davidson AND Keri Cornman
Email: Rebecca.Davidson@mass.gov
Email: Keri.Cornman@mass.gov



**Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114**

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1. AVAILABLE FUNDING FOR 2021

Federal-State Market Improvement Grant Program (FSMIP) is funded by annual appropriations to the Agricultural Marketing Service (AMS), USDA. AMS anticipates that approximately \$1 million will be available for support for this program in fiscal year (FY) 2021. The final amount available is subject to Congressional action. The maximum award is \$250,000 per project.

2. PARTICIPANT ELIGIBILITY

In accordance with authorizing legislation, FSMIP funds can be allotted to State Departments of Agriculture, State Agricultural Experiment Stations, and other appropriate Agencies. State agencies under the authorizing legislation should assume the lead role in FSMIP projects, and use cooperative or contractual linkages with other agencies, universities, institutions, and producer, industry or community-based organizations, as appropriate. Multi-State projects are encouraged, as long as one State assumes the coordinating role, using appropriate cooperative arrangements with the other States involved. Projects must comply with both state and federal laws.

A. Program Scope

FSMIP funds a wide range of applied research projects that address barriers, challenges, and opportunities in marketing, transportation, and distribution of U.S. food and agricultural products domestically and internationally.

Eligible agricultural categories include poultry, livestock, livestock products, dairy, food, feed and fiber crops, fish and shellfish, horticulture, viticulture, apiary, and forest products and processed or manufactured products derived from such commodities. Reflecting the growing diversity of U.S. agriculture, in recent years, FSMIP has funded projects dealing with nutraceuticals, bioenergy, compost, and products made from agricultural residues.

Proposals may deal with barriers, challenges or opportunities manifesting at any stage of the marketing chain including direct, wholesale, and retail. Proposals that involve training or education programs must include a research component that tests the effects of the program on the marketing goals.

Proposals may involve small, medium or large-scale agricultural entities but must benefit multiple producers or agribusinesses, whereas proposals that benefit one business or individual will not be considered. Proposals that address issues of importance at the State, regional or national level are appropriate for FSMIP. FSMIP will consider unique proposals on a smaller scale that may serve as pilot projects or case studies useful as models for others. Such proposals must include an objective to analyze opportunities and formulate recommendations with regard to how the project could be scaled up or expanded to other regions.

FSMIP's enabling legislation authorizes projects to

- Determine the best methods for processing, preparing for market, packing, handling, transporting, storing, distributing, and marketing agricultural products.
- Determine the costs of marketing agricultural products in their various forms and through various channels.
- Assist in the development of more efficient marketing methods, practices and facilities to bring about more efficient and orderly marketing, and reduce the price spread between the producer and the consumer.
- Develop and improve standards of quality, condition, quantity, grade and packaging in order to encourage uniformity and consistency in commercial practices.
- Eliminate artificial barriers to the free movement of agricultural products in commercial channels.

- Foster new/expanded domestic/foreign markets and new/expanded uses of agricultural products.
- Collect and disseminate marketing information to anticipate and meet consumer requirements, maintain farm income, and balance production and utilization.

B. Projects and Activities Not Eligible for Funding

Projects are not eligible for funding if the proposed activities:

- Are related to construction or purchasing land for use by a non-Federal entity.
- Benefit only one agricultural producer, entity, or individual.
- Depend upon the completion of another project or the receipt of another grant.
- Duplicate activities of a project that has received a Federal award from another Federal award program.

C. Priority Areas

All proposals that fit within the FSMIP scope are encouraged and will receive equal consideration during the review process. FSMIP will award five percent of total FSMIP funds to proposals that score among the higher ranked proposals and meet one of the following criteria:

- Reflect a collaborative approach between the States, academia, the farm sector and other appropriate entities and stakeholders, in recognition of the synergies and improved outcomes that are attributable to such collaborations and partnerships.
- Assess challenges and develop methods or practices that could assist producers in marketing agricultural products that meet the mandates of the Food and Drug Administration's Food Safety Modernization Act.
- Have the potential to create wealth and economic opportunity in rural communities through research and studies on issues relating to marketing in local and regional food systems, and value-added agriculture.

D. Project Types

Applicants must align their proposal to one of the four project types:

1. Agricultural Product Distribution (handling, storage, processing, transportation, and distribution)
2. Cooperative Development (cooperation among Federal and State agencies, producers, industry organizations, and others in the development and effectuation of research and marketing programs to improve the distribution processes)
3. Economic Research to Clarify Marketing Barriers and Opportunities, including regulatory compliance costs
4. Agricultural Product Development Applicants may apply under one project type.

Indicate which Project Type your proposed project falls under.

3. PROJECT ELIGIBILITY

A. Project Benefit

FSMIP will not award grant funds for projects that solely benefit one individual farm or agribusiness. FSMIP projects must benefit multiple producers or agribusinesses, or have agricultural sector-wide impact.

B. Matching Funds

FSMIP requires a \$1-for-\$1 match in the form of cash or with properly-valued, in-kind non-Federal resources.

Cost sharing or the required match must be in the form of allowable direct or indirect costs. Refer to 2 CFR § 200.306 for additional Federal requirements and definitions, including the basis for determining the value of cash and in-kind contributions.

In-kind contributions when used as a cost share or match for a grant are generally defined as the value of goods or services provided by a third party for the benefit of the grant program, where no funds transferred hands. These contributions cannot satisfy a cost sharing or matching requirement for this grant program if they are used toward satisfying a match requirement under any other Federal grant agreement to which the applicant is party.

All matching contributions must be committed or in place when the proposal is submitted. Additional anticipated matching funds not in place by the time the project commences cannot be counted toward the matching requirement.

Applicants will indicate the total amount of match and how it will specifically align with their requested funding when completing the budget section of the Project Narrative and submit letters or other documentation verifying the match for EACH cash and/or in-kind resource. Indirect costs may count toward the match. Applicants may not use program income (as defined in 2 CFR § 200.80) or Federal funds of any kind as a match or cost share.

C. Project Length

FSMIP projects must be completed within 36 months (3 years). It is acceptable to complete a project before the scheduled ending date. The grant period must begin on September 30, 2021, and end no later than September 29, 2024. A proposal that builds on previous FSMIP project may also be submitted. In such cases, the narrative should indicate clearly how the new proposal complements previous work. It is generally FSMIP's policy not to fund successive projects beyond a period of three years.

Projects are not eligible for funding if the proposed activities:

- Are related to construction or purchasing land for use by a non-Federal entity.
- Benefit only one agricultural producer, entity, or individual.
- Depend upon the completion of another project or the receipt of another grant.
- Duplicate activities of a project that has received a Federal award from another Federal award program

4. APPLICATION PROCEDURES AND REQUIREMENTS

A. Submission Deadline

FSMIP funds will be allocated on the basis of one round of competition. Grant proposals must be received by the Department no later than **April 16, 2021 by 5:00 PM** in order to comply with the Federal deadline in May 2021.

Send Grant proposal via email to:

Rebecca.davidson@mass.gov

Rebecca Davidson

Cc: Keri.Cornman@mass.gov

Keri Cornman

Division of Agricultural Development
Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114-2151

This RFR requires the submission of electronic proposals. All Applicants are advised to allow adequate time for submission of their proposal by considering potential online impediments like Internet traffic, Internet connection speed, file size, and file volume. MDAR is not responsible for delays encountered by applicants or their agents, or for an Applicant's local hardware failures, such as computers or related networks, associated with proposal compilation or submission. Proposals submitted via email to the Program Manager are time and date stamped received by the email system clock which is considered the official time of record.

B. Informational Webinar

An informational webinar will be held on **March 2, 2021 at 4:00pm** and **March 19, 2021 at 12:00pm**. Questions may be asked about the FSMIP grant program by interested applicants during this session. Please contact Rebecca Davidson at Rebecca.Davidson@mass.gov to request access to the webinar.

C. Contents of Proposal

A narrative description of the proposal is required. Narratives must not exceed 15 pages, exclusive of supporting documents. The required format is single-spaced, 11-point font. Number the pages in the right hand bottom corner. The application must include the following sections, which must be combined into one PDF in the order listed below:

- 1) **Cover Page** – Include proposal title (no more than 10 words), name and contact information of the project leader.
- 2) **Table of Contents** – All pages must be numbered.
- 3) **Executive Summary** – Include a concise (no more than 250 words) stand-alone description and justification for the project.
- 4) **Narrative** – Must include the following sections, and must be in a paragraph form:
 - a. Alignment and Intent
 - Clearly state the purpose of the project and Project Type identified in section "Project Types" on page 2. Describe the specific issue, problem, or need that the project will address in relation to the statutory language of the program (7 U.S.C. § 1623(b)). Include data and/or estimates that describe the extent of the issue, problem, or need.

- List the objectives of the project. The objectives must be related to addressing the issue(s), problem(s), or need(s) mentioned in section (4)(a).
 - Provide a description of the benefits that are intended to be achieved as a result of engaging in the activities associated with this project, including the number of affected producers or processors.
- b. **Technical Merit**
- Provide a Work Plan that describes the activities and timeline associated with each project objective. Include the following information for each objective mentioned in the Alignment and Intent section above: a timeline for each activity and major output including the anticipated date of completion; how and where the activities will take place; required resources; milestone(s) for assessing progress and success; the person(s) responsible for completing the activity, including collaborative arrangements or subcontractors; if conducting training and technical assistance, how participants will be recruited; and how you will help guide program development and delivery.
 - If the proposed project will be or has been submitted to another federal program for funding, provide the grant program name.
 - If the proposed project builds on work previously funded by a federal program, including AMS grant programs, provide the year and grant program name, and describe how the proposed project, if funded, would not duplicate work previously funded the federal government.
- c. **Achievability**
- Provide at least one distinct, quantifiable, measurable project outcome and associated indicator. If the outcome measures are long-term and occur after the project's completion, identify an intermediate outcome that occurs before, and is expected to help lead to the fulfillment of long-term outcomes
 - For each completed outcome indicator, describe how you derived the numbers, how you intend to measure and achieve each relevant outcome and indicator, and any potential challenges to achieving the estimated targets and action steps for addressing them.
 - Describe how you will disseminate the project's results (positive and negative) to similar organizations, stakeholders, and others that may be interested in the project's results or implementing a similar project.
- d. **Expertise and Partners**
- List key staff, including personnel and external project partners and collaborators that comprise the Project Team, their roles, and their relevant experience and past successes in developing and operating projects similar to this project. Ensure that you have included Letters of Commitment from Partner and Collaborator Organizations to support the information.
 - Describe your management plan for coordinating, communicating, and sharing data and reports among members of the Project Team and stakeholder groups, both internally to personnel and externally to partners and collaborators.
 - Describe how the project, and its partnerships and collaborations, will be sustained beyond the project's period of performance (without grant funds).
- 5) **Fiscal Plan and Resources** – The Budget Spreadsheet must show the relevant expenditure categories in the far left column and, proceeding across the page, there must be a column showing the dollar amount of FSMIP funds requested and separate columns showing the dollar amount for each of the non-federal entities that will provide matching resources. Provide separate Year 1, Year 2, Year 3, and cumulative budgets.

The Budget Narrative must explain how the dollar amounts for each category shown on the Budget Spreadsheet were derived and what they cover. For a full listing of allowable and unallowable costs, see “Restrictions and Limitations on Program Activities and Expenditures,” on page 10 of this RFR.

Relevant cost categories must include: Personnel, Fringe Benefits, Travel, Special Purpose Equipment, Supplies, Contracts/Consultants, Indirect Costs, Program Income, Other.

- 6) **Personnel Qualifications** – Provide a one- to two-page resume of relevant experience and/or qualifications of the principal investigator(s) and for each of the other major project participants. Longer resumes will be disregarded.
- 7) **Approved Negotiated Indirect Cost Rate Proposal** – If an applicant has a negotiated indirect cost rate greater than 10 percent of total direct costs, they must submit a copy of their approved *indirect cost rate proposal* to substantiate their request, as described in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) through Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals of this part, and Appendix IX to Part 200—Hospital Cost Principles.
- 8) **Letters from Third Parties who will Contribute Matching Resources** – Each applicant is required to have written verification of commitment from any party, including the applicant, who will contribute cash and/or in-kind matching non-Federal resources to the project. Submit one letter verifying the match for EACH source of cash or in-kind resource, signed by the matching organization. AMS has posted a suggested match verification template letter on the FSMIP application website. We highly encourage you to use this template. If you do not use this template, your match verification document must minimally include the following:
 - a. Project Applicant
 - b. Project Title
 - c. Cash Commitment per year (if applicable) and Total Cash Match
 - d. In-kind Contribution per year (if applicable) and Total In-kind Match. Break down items into categories as applicable:
 - Salaries (employee name, title, duties, pay rate/hour, amount matched per year)
 - Items/Activities (fair market value per unit, how value determined (provide documentation), and amount matched per year)
 - e. Explanation of how each type of match will correspond to the budget, or be used by the Applicant.
 - f. Signature of Matching Organization Representative with typed name and title.Submit Matching Fund and Letters of Verification on letterhead and address them to the FSMIP Applicant. Clearly indicate at the top of the documents that they are MATCH VERIFICATION LETTERS. Letters must accompany the proposal at the time of application. Unsigned letters will not be accepted.
- 9) **Letter(s) of Commitment from Partner and Collaborator Organizations** – Applicants must provide letters of commitment (in MS Word or PDF) from all project partners and collaborators. More information on partners and collaborator agrees to the project management plan presented in the Project Narrative. Emails will not be accepted. The Letter of Commitment must include the following:
 - a. The Letter of Commitment must include the following:
 - Project Applicant
 - Project Title
 - A short introduction describing the partnering organization’s mission and its interest in FSMIP development

- What the organization commits to participating in and supporting
- The time period of the partnership
- Roles of the participating individuals, as applicable, and any individual time commitment
- A statement that these individuals and the organization agree to abide by the management plan contained in the application

Submit Letters of Commitment on letterhead and address them to the applicant (i.e., Project Director). Clearly indicate at the top of the documents that they are LETTERS OF COMMITMENT. Letters must accompany the proposal at the time of application. Unsigned letters will not be accepted. AMS has posted A SUGGESTED PARTNER ORGANIZATION TEMPLATE LETTER on the FSMIP application website. We highly encourage you to use this template.

10) **Areas Affected by Project** – List the cities, counties, states, etc., that your project will affect.

D. Project Evaluation Criteria

Proposals are reviewed and evaluated by subject matter specialists from AMS and elsewhere in USDA, and/or another Federal agency as appropriate to the subject matter and scope of the proposal.

As a basis for allocating FSMIP funds among competing proposals, AMS is guided by the following criteria:

- **Alignment and Intent (25 points)** –
 - The extent to which the application provides a clear and concise description of the specific issue, problem, or need and objectives for the project.
 - The extent to which the project addresses an important marketing barrier, challenge or opportunity, and aligns with FSMIP’s legislative and program goals.
 - The extent to which the applicant identifies the intended beneficiaries and how they will benefit, including the number of beneficiaries.
- **Technical Merit (25 points)** –
 - The extent to which the application presents a clear, well-conceived, and suitable overall methodology for fulfilling the goals and objectives of the proposed project.
 - The extent to which the application presents a realistic schedule for implementing the proposed project during the award project period.
 - If the project or entity was previously funded, the extent to which the previous lessons learned are incorporated into the proposed project.
- **Achievability (15 points)** –
 - The extent to which the Outcomes and Indicator(s) is/are feasible for the scale and scope of the project including:
 - How indicator numbers were derived, with a clear means to collect feedback to evaluate and achieve each relevant Outcome indicator;
 - The anticipated key factors that are predicted to contribute to and restrict progress toward the applicable indicators, including action steps for addressing identified restricting factors.
 - The extent to which the proposed project can be easily adaptable to other regions, communities, and/or agricultural systems.
 - The extent to which the applicant provides a comprehensive plan to disseminate the project’s results (both positive and negative) electronically and in person to target audiences, stakeholders, and interested parties.

- **Expertise and Partners (25 Points) –**

- The extent to which the proposed project represents a substantial and effective diverse array of relevant partnerships and collaborations to accomplish the project's goals and objectives and meet the needs of the intended beneficiaries, including:
 - Commitment from the key staff demonstrated through Letters of Commitment from Partner and Collaborator Organizations;
 - The key staff who will be responsible for managing the projects and the individuals (name and title) who comprise the Project Team;
 - The expertise and experience of the Project Team necessary to successfully manage and implement the proposed project.
- The extent to which the application describes plans for coordination, communication, data sharing and reporting among members of the Project Team and stakeholder groups, both internal applicant personnel and external partners and collaborators.
- The extent to which the application describes how the project, and its partnerships and collaborations, will be sustained beyond the project's period of performance (without grant funds).

- **Fiscal Plan and Resources (10 Points) –**

- The extent to which the application Budget Narrative/justification provides a clear, detailed description for each budget line item, and:
 - Budget is consistent with the size and scope of the project
 - Budget relates logically to the Project Narrative describing the project.
- The extent to which the application provides evidence that critical resources and infrastructure are currently in-place that are necessary for the initiation and completion of the proposed project.
- The extent to which the applicant demonstrates its partners' or collaborators' contribution of non-Federal cash resources or in-kind contributions are available and obtainable for the project as evidenced through the submitted Matching Funds and Letters of Match Verification.

5. RESTRICTIONS AND LIMITATIONS ON PROGRAM ACTIVITIES AND EXPENDITURES

A. Indirect Costs

Indirect costs, also known as "facilities and administrative costs," are those costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. Direct charging of these costs may be appropriate where the following conditions are met:

1. Administrative or clerical services are integral to a project or activity;
2. Individuals involved can be specifically identified with the project or activity;
3. Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and
4. The costs are not also recovered as indirect costs.

Indirect costs are no longer restricted to only the match. Indirect cost may be charged to the grant and/or brought as a match.

Applicant Indirect Cost – If an applicant has a negotiated indirect cost rate greater than 10 percent of total direct costs, the applicant must submit a copy of their approved *Indirect Cost Rate Proposal* to substantiate its request for the establishment of an indirect cost rate above 10 percent as described in Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of

Higher Education (IHEs) through Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals of this part, and Appendix IX to Part 200—Hospital Cost Principles.

Sub-recipient Indirect Cost – If sub-recipient indirect cost will be charged to the grant and/or brought as a match, the sub-recipient’s negotiated rate may be used, or if the sub-recipient does not have a negotiated rate, the maximum rate allowed is 10%. Note that the total indirect cost for the project must not exceed the percentage of the applicant’s negotiated rate.

Sample Calculation

Total Direct Cost = \$80,000

Total Indirect Cost assuming a negotiated cognizant rate of 30% = \$24,000

Total Project Cost = \$104,000

FSMIP Share = \$52,000

Applicant Share = \$52,000

Some examples of possible allocations of Indirect Cost:

- A. FSMIP covers all indirect cost:
FSMIP = \$28,000 direct + \$24,000 indirect; Applicant = \$52,000 direct
- B. Applicant covers all indirect cost:
FSMIP = \$52,000 direct; Applicant = \$28,000 direct + \$24,000 indirect
- C. FSMIP and Applicant split indirect cost:
FSMIP = \$40,000 direct + \$12,000 indirect; Applicant = \$40,000 direct + \$12,000 indirect

B. Allowable and Unallowable Costs and Activities

The following link provides information on allowable and unallowable costs in common categories of FSMIP proposal budgets. Note that the allowable costs listed in the link below may also be cost-shared or brought as part of the required match. Unallowable costs cannot be brought as a match.

[AMS General Terms and Conditions – Section 8.0 Allowable Costs and Activities](#) (Section 8.0 begins on Page 9).

6. REPORTING

The Annual Performance Report is due to MDAR within 90 calendar days after each one-year period of performance. An Annual and Final Performance Report Template will be provided in the final contract. The 3-year period of performance begins September 30, 2021, and ends September 29, 2024. Recipients must submit two interim reports to MDAR.

Annual Report Number	One-Year Marker	Due Date
1	September 15, 2022	December 1, 2022
2	September 15, 2023	December 1, 2023

To officially close out a FSMIP award, the final performance report is due by December 1, 2024. A Final Performance Report Template will be provided in the final contract.

The recipient should submit the reports to FSMIP electronically as required in the FSMIP Terms and Conditions of Award.

7. SELECTION OF GRANTEES

Proposals will be reviewed by the Massachusetts Department of Agricultural Resources - staff and will be sent to the USDA Agricultural marketing Service 'FSMIP' program where final analysis and funding will be decided.

Upon announcement of the grant awards, FSMIP will prepare and send grant agreements and certification to State agencies for signature by the appropriate official. Unsuccessful applicants will be contacted by State FSMIP coordinator as soon as possible after the awards are announced and upon request; will receive feedback on their proposal.

8. PROPOSAL DEADLINE TO DEPARTMENT OF AGRICULTURAL RESOURCES

April 16, 2021 by 5:00 PM – only one round of FSMIP funding.

Send Proposals via email to: Rebecca Davidson, FSMIP Coordinator: rebecca.davidson@mass.gov and Keri Cornman, Grants and Procurement Manager: keri.cornman@mass.gov

RFR - REQUIRED SPECIFICATIONS FOR COMMODITIES AND SERVICES

REVISION DATE: JUNE 6, 2016

IN GENERAL, MOST OF THE REQUIRED CONTRACTUAL STIPULATIONS ARE REFERENCED IN THE STANDARD CONTRACT FORM AND INSTRUCTIONS AND THE COMMONWEALTH TERMS AND CONDITIONS. HOWEVER, THE FOLLOWING RFR PROVISIONS MUST APPEAR IN ALL COMMONWEALTH COMPETITIVE PROCUREMENTS CONDUCTED UNDER 801 CMR 21.00.

THE TERMS OF 801 CMR 21.00: PROCUREMENT OF COMMODITIES AND SERVICES ARE INCORPORATED BY REFERENCE INTO THIS RFR. WORDS USED IN THIS RFR SHALL HAVE THE MEANINGS DEFINED IN 801 CMR 21.00. ADDITIONAL DEFINITIONS MAY ALSO BE IDENTIFIED IN THIS RFR. OTHER TERMS NOT DEFINED ELSEWHERE IN THIS DOCUMENT MAY BE DEFINED IN OSD'S GLOSSARY OF TERMS. UNLESS OTHERWISE SPECIFIED IN THIS RFR, ALL COMMUNICATIONS, RESPONSES, AND DOCUMENTATION MUST BE IN ENGLISH, ALL MEASUREMENTS MUST BE PROVIDED IN FEET, INCHES, AND POUNDS AND ALL COST PROPOSALS OR FIGURES IN U.S. CURRENCY. ALL RESPONSES MUST BE SUBMITTED IN ACCORDANCE WITH THE SPECIFIC TERMS OF THIS RFR.

COMMBUYS MARKET CENTER. COMMBUYS IS THE OFFICIAL SOURCE OF INFORMATION FOR THIS BID AND IS PUBLICLY ACCESSIBLE AT NO CHARGE AT WWW.COMMBUYS.COM. INFORMATION CONTAINED IN THIS DOCUMENT AND IN COMMBUYS, INCLUDING FILE ATTACHMENTS, AND INFORMATION CONTAINED IN THE RELATED BID QUESTIONS AND ANSWERS (Q&A), ARE ALL COMPONENTS OF THE BID, AS REFERENCED IN COMMBUYS, AND ARE INCORPORATED INTO THE BID AND ANY RESULTING CONTRACT.

BIDDERS ARE SOLELY RESPONSIBLE FOR OBTAINING ALL INFORMATION DISTRIBUTED FOR THIS BID VIA COMMBUYS. BID Q&A SUPPORTS BIDDER SUBMISSION OF WRITTEN QUESTIONS ASSOCIATED WITH A BID AND PUBLICATION OF OFFICIAL ANSWERS.

**IT IS EACH BIDDER'S RESPONSIBILITY TO CHECK COMMBUYS FOR:
ANY AMENDMENTS, ADDENDA OR MODIFICATIONS TO THIS BID, AND
ANY BID Q&A RECORDS RELATED TO THIS BID.**

THE COMMONWEALTH ACCEPTS NO RESPONSIBILITY AND WILL PROVIDE NO ACCOMMODATION TO BIDDERS WHO SUBMIT A QUOTE BASED ON AN OUT-OF-DATE BID OR ON INFORMATION RECEIVED FROM A SOURCE OTHER THAN COMMBUYS.

COMMBUYS REGISTRATION. BIDDERS MAY ELECT TO OBTAIN A FREE COMMBUYS SELLER REGISTRATION WHICH PROVIDES VALUE-ADDED FEATURES, INCLUDING AUTOMATED EMAIL NOTIFICATION ASSOCIATED WITH POSTINGS AND MODIFICATIONS TO COMMBUYS RECORDS. HOWEVER, IN ORDER TO RESPOND TO A BID, BIDDERS MUST REGISTER AND MAINTAIN AN ACTIVE COMMBUYS SELLER ACCOUNT.

ALL BIDDERS SUBMITTING A QUOTE (PREVIOUSLY REFERRED TO AS RESPONSE) IN RESPONSE TO THIS BID (PREVIOUSLY REFERRED TO AS SOLICITATION) AGREE THAT, IF AWARDED A CONTRACT: (1) THEY WILL MAINTAIN AN ACTIVE SELLER ACCOUNT IN COMMBUYS; (2) THEY WILL, WHEN DIRECTED TO DO SO BY THE PROCURING ENTITY, ACTIVATE AND MAINTAIN A COMMBUYS-ENABLED CATALOG USING COMMONWEALTH COMMODITY CODES; (3) THEY WILL COMPLY WITH ALL REQUESTS BY THE PROCURING ENTITY TO UTILIZE COMMBUYS FOR THE PURPOSES OF CONDUCTING ALL ASPECTS OF PURCHASING AND INVOICING WITH THE COMMONWEALTH, AS ADDED FUNCTIONALITY FOR THE COMMBUYS SYSTEM IS ACTIVATED; (4) BIDDER UNDERSTANDS AND ACKNOWLEDGES THAT ALL REFERENCES TO THE COMM-PASS WEBSITE OR RELATED REQUIREMENTS THROUGHOUT THIS RFR, SHALL BE SUPERSEDED BY COMPARABLE REQUIREMENTS PERTAINING TO THE COMMBUYS WEBSITE; AND (6) IN THE EVENT THE COMMONWEALTH ADOPTS AN ALTERNATE MARKET CENTER SYSTEM, SUCCESSFUL BIDDERS WILL BE REQUIRED TO UTILIZE SUCH SYSTEM, AS DIRECTED

BY THE PROCURING ENTITY. COMMONWEALTH COMMODITY CODES ARE BASED ON THE UNITED NATIONS STANDARD PRODUCTS AND SERVICES CODE (UNSPSC).

THE COMMBUYS SYSTEM INTRODUCES NEW TERMINOLOGY, WHICH BIDDERS MUST BE FAMILIAR WITH IN ORDER TO CONDUCT BUSINESS WITH THE COMMONWEALTH. TO VIEW THIS TERMINOLOGY AND TO LEARN MORE ABOUT THE COMMBUYS SYSTEM, PLEASE VISIT THE COMMBUYS RESOURCE CENTER.

MULTIPLE QUOTES. BIDDERS MAY NOT SUBMIT MULTIPLE QUOTES IN RESPONSE TO A BID UNLESS THE RFR AUTHORIZES THEM TO DO SO. IF A BIDDER SUBMITS MULTIPLE QUOTES IN RESPONSE TO AN RFR THAT DOES NOT AUTHORIZE MULTIPLE RESPONSES, ONLY THE LATEST DATED QUOTE SUBMITTED PRIOR TO THE BID OPENING DATE WILL BE EVALUATED.

QUOTE CONTENT. BID SPECIFICATIONS FOR DELIVERY, SHIPPING, BILLING AND PAYMENT WILL PREVAIL OVER ANY PROPOSED BIDDER TERMS ENTERED AS PART OF THE QUOTE, UNLESS OTHERWISE SPECIFIED IN THE BID.

SUPPLIER DIVERSITY PROGRAM (SDP). MASSACHUSETTS EXECUTIVE ORDER 565 REAFFIRMED AND EXPANDED THE COMMONWEALTH'S POLICY TO PROMOTE THE AWARD OF STATE CONTRACTS IN A MANNER THAT DEVELOPS AND STRENGTHENS CERTIFIED MINORITY BUSINESS ENTERPRISES (MBEs), WOMEN BUSINESS ENTERPRISES (WBEs), MINORITY AND WOMEN NONPROFIT ORGANIZATIONS (M/WNPOs), VETERAN BUSINESS ENTERPRISES (VBEs), SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES (SDVOBES), DISABILITY-OWNED BUSINESS ENTERPRISES (DOBEs), AND LESBIAN, GAY, BISEXUAL AND TRANSGENDER BUSINESS ENTERPRISES (LGBTBES).

PARTNERSHIPS WITH CERTIFIED DIVERSE BUSINESSES: ALL BIDDERS ARE REQUIRED TO MAKE A SIGNIFICANT FINANCIAL COMMITMENT TO PARTNER WITH CERTIFIED M/WBES, M/WNPOs, VBEs, SDVOBES, DOBEs AND/OR LGBTBES CERTIFIED OR VERIFIED BY THE SUPPLIER DIVERSITY OFFICE (SDO). BIDDERS MUST IDENTIFY A COMMITMENT IN THE FORM OF A SPECIFIC PERCENTAGE OF SALES MADE UNDER THE RESULTING CONTRACT THAT WILL BE SPENT WITH AN SDP PARTNER(S) ON A MASSACHUSETTS FISCAL YEAR BASIS, USING SDP PLAN FORM #1 – SDP PLAN COMMITMENT. THIS PERCENTAGE COMMITMENT WILL EXTEND FOR THE LIFE OF ANY RESULTING CONTRACT.

THIS REQUIREMENT EXTENDS TO ALL BIDDERS REGARDLESS OF THEIR CERTIFICATION STATUS, AND NO BIDDER WILL BE AWARDED A CONTRACT UNLESS AND UNTIL THE ABOVE REQUIREMENT IS MET. BIDDERS MAY NOT LIST THEMSELVES OR AFFILIATES AS SDP PARTNERS. IN ORDER TO ENSURE COMPLIANCE WITH THIS SECTION AND ENCOURAGE BIDDER PARTICIPATION, SDP PLANS WILL BE EVALUATED AT 10% OR MORE OF THE TOTAL EVALUATION SCORE FOR ALL FOR LARGE PROCUREMENTS (THOSE WITH A TOTAL VALUE OF GREATER THAN \$150,000). SDP PLAN SUBMISSION IS ENCOURAGED BUT NOT REQUIRED FOR SMALL PROCUREMENTS (THOSE WITH A TOTAL VALUE EQUAL TO OR LESS THAN \$150,000).

ONCE AN SDP COMMITMENT IS APPROVED, THE AGENCY WILL MONITOR THE CONTRACTOR'S PERFORMANCE, AND USE THE CONTRACTOR'S REPORTED EXPENDITURES WITH M/WBES, M/WNPOs, VBEs AND SDVOBES TO FULFILL THEIR OWN SDP EXPENDITURE BENCHMARKS. THE COMMONWEALTH RESERVES THE RIGHT TO CONTACT SDP PARTNERS AT ANY TIME TO REQUEST THAT THEY ATTEST TO THE AMOUNTS REPORTED TO HAVE BEEN PAID TO THEM BY THE CONTRACTOR.

SDP FORMS: UNLESS OTHERWISE SPECIFIED IN THE RFR, THE FOLLOWING SDP FORMS ARE REQUIRED TO BE SUBMITTED BY THE DEADLINES NOTED BELOW IN ORDER TO MEET THE MANDATORY PARTICIPATION REQUIREMENTS OF THE SDP:

SDP PLAN FORM #/NAME	SUBMITTED BY	WHEN SUBMITTED
SDP PLAN FORM #1 – SDP PLAN COMMITMENT	ALL BIDDERS	WITH BID RESPONSE

**SDP PLAN FORM #2 – DECLARATION OF SDP PARTNERS NEWLY AWARDED CONTRACTORS
OF CONTRACT EXECUTION**

WITHIN 30 DAYS

SDP PLAN FORM #3 – SDP SPENDING REPORT CONTRACTORS WITHIN 45 DAYS OF THE END OF EACH QUARTER

IN ADDITION TO THE REQUIREMENTS ABOVE, ALL BIDDERS MUST FOLLOW THE REQUIREMENTS SET FORTH IN THE SUPPLIER DIVERSITY PROGRAM (SDP) PLAN SECTION OF THE RFR. DURING THE LIFE OF THE CONTRACT, THE COMMONWEALTH RESERVES THE RIGHT TO EXPAND THE RANGE OF CERTIFIED BUSINESS CATEGORIES AVAILABLE FOR SDP PARTNERSHIPS TO ALL THOSE MENTIONED ABOVE AND/OR REQUEST REPORTS ON THE CONTRACTORS' SPENDING WITH SUCH CERTIFIED BUSINESS CATEGORIES.

SUPPLIER DIVERSITY PROGRAM (SDP) RESOURCES: BIDDERS MAY REFER TO THE SDP RESOURCES FOR VENDORS AND CONTRACTORS WEBPAGE FOR ADDITIONAL PROGRAM INFORMATION, TRAINING AND COMPLIANCE RESOURCES.

AGRICULTURAL PRODUCTS PREFERENCE (ONLY APPLICABLE IF THIS IS A PROCUREMENT FOR AGRICULTURAL PRODUCTS) - CHAPTER 123 OF THE ACTS OF 2006 DIRECTS THE STATE PURCHASING AGENT TO GRANT A PREFERENCE TO PRODUCTS OF AGRICULTURE GROWN OR PRODUCED USING LOCALLY GROWN PRODUCTS. SUCH LOCALLY GROWN OR PRODUCED PRODUCTS SHALL BE PURCHASED UNLESS THE PRICE OF THE GOODS EXCEEDS THE PRICE OF PRODUCTS OF AGRICULTURE FROM OUTSIDE THE COMMONWEALTH BY MORE THAN 10%. FOR PURPOSES OF THIS PREFERENCE, PRODUCTS OF AGRICULTURE ARE DEFINED TO INCLUDE ANY AGRICULTURAL, AQUACULTURAL, FLORICULTURAL OR HORTICULTURAL COMMODITIES, THE GROWING AND HARVESTING OF FOREST PRODUCTS, THE RAISING OF LIVESTOCK, INCLUDING HORSES, RAISING OF DOMESTICATED ANIMALS, BEES, FUR-BEARING ANIMALS AND ANY FORESTRY OR LUMBERING OPERATIONS.

BEST VALUE SELECTION AND NEGOTIATION. THE STRATEGIC SOURCING TEAM OR SST MAY SELECT THE RESPONSE(S) WHICH DEMONSTRATES THE BEST VALUE OVERALL, INCLUDING PROPOSED ALTERNATIVES THAT WILL ACHIEVE THE PROCUREMENT GOALS OF THE DEPARTMENT. THE SST AND A SELECTED BIDDER, OR A CONTRACTOR, MAY NEGOTIATE A CHANGE IN ANY ELEMENT OF CONTRACT PERFORMANCE OR COST IDENTIFIED IN THE ORIGINAL RFR OR THE SELECTED BIDDER'S OR CONTRACTOR'S RESPONSE WHICH RESULTS IN LOWER COSTS OR A MORE COST EFFECTIVE OR BETTER VALUE THAN WAS PRESENTED IN THE SELECTED BIDDER'S OR CONTRACTOR'S ORIGINAL RESPONSE.

BIDDER COMMUNICATION. BIDDERS ARE PROHIBITED FROM COMMUNICATING DIRECTLY WITH ANY EMPLOYEE OF THE PROCURING DEPARTMENT OR ANY MEMBER OF THE SST REGARDING THIS RFR EXCEPT AS SPECIFIED IN THIS RFR, AND NO OTHER INDIVIDUAL COMMONWEALTH EMPLOYEE OR REPRESENTATIVE IS AUTHORIZED TO PROVIDE ANY INFORMATION OR RESPOND TO ANY QUESTION OR INQUIRY CONCERNING THIS RFR. BIDDERS MAY CONTACT THE CONTACT PERSON FOR THIS RFR IN THE EVENT THIS RFR IS INCOMPLETE OR THE BIDDER IS HAVING TROUBLE OBTAINING ANY REQUIRED ATTACHMENTS ELECTRONICALLY THROUGH COMMBUYS.

CONTRACT EXPANSION. IF ADDITIONAL FUNDS BECOME AVAILABLE DURING THE CONTRACT DURATION PERIOD, THE DEPARTMENT RESERVES THE RIGHT TO INCREASE THE MAXIMUM OBLIGATION TO SOME OR ALL CONTRACTS EXECUTED AS A RESULT OF THIS RFR OR TO EXECUTE CONTRACTS WITH CONTRACTORS NOT FUNDED IN THE INITIAL SELECTION PROCESS, SUBJECT TO AVAILABLE FUNDING, SATISFACTORY CONTRACT PERFORMANCE AND SERVICE OR COMMODITY NEED.

COSTS. COSTS WHICH ARE NOT SPECIFICALLY IDENTIFIED IN THE BIDDER'S RESPONSE, AND ACCEPTED BY A DEPARTMENT AS PART OF A CONTRACT, WILL NOT BE COMPENSATED UNDER ANY CONTRACT AWARDED PURSUANT TO THIS RFR. THE COMMONWEALTH WILL NOT BE RESPONSIBLE FOR ANY COSTS OR EXPENSES INCURRED BY BIDDERS RESPONDING TO THIS RFR.

ELECTRONIC COMMUNICATION/UPDATE OF BIDDER'S/CONTRACTOR'S CONTACT INFORMATION. IT IS THE RESPONSIBILITY OF THE PROSPECTIVE BIDDER AND AWARDED CONTRACTOR TO KEEP CURRENT ON COMMBUYS THE

EMAIL ADDRESS OF THE BIDDER'S CONTACT PERSON AND PROSPECTIVE CONTRACT MANAGER, IF AWARDED A CONTRACT, AND TO MONITOR THAT EMAIL INBOX FOR COMMUNICATIONS FROM THE SST, INCLUDING REQUESTS FOR CLARIFICATION. THE SST AND THE COMMONWEALTH ASSUME NO RESPONSIBILITY IF A PROSPECTIVE BIDDER'S/AWARDED CONTRACTOR'S DESIGNATED EMAIL ADDRESS IS NOT CURRENT, OR IF TECHNICAL PROBLEMS, INCLUDING THOSE WITH THE PROSPECTIVE BIDDER'S/AWARDED CONTRACTOR'S COMPUTER, NETWORK OR INTERNET SERVICE PROVIDER (ISP) CAUSE EMAIL COMMUNICATIONS SENT TO/FROM THE PROSPECTIVE BIDDER/AWARDED CONTRACTOR AND THE SST TO BE LOST OR REJECTED BY ANY MEANS INCLUDING EMAIL OR SPAM FILTERING.

ELECTRONIC FUNDS TRANSFER (EFT). ALL BIDDERS RESPONDING TO THIS RFR MUST AGREE TO PARTICIPATE IN THE COMMONWEALTH ELECTRONIC FUNDS TRANSFER (EFT) PROGRAM FOR RECEIVING PAYMENTS, UNLESS THE BIDDER CAN PROVIDE COMPELLING PROOF THAT IT WOULD BE UNDULY BURDENSOME. EFT IS A BENEFIT TO BOTH CONTRACTORS AND THE COMMONWEALTH BECAUSE IT ENSURES FAST, SAFE AND RELIABLE PAYMENT DIRECTLY TO CONTRACTORS AND SAVES BOTH PARTIES THE COST OF PROCESSING CHECKS. CONTRACTORS ARE ABLE TO TRACK AND VERIFY PAYMENTS MADE ELECTRONICALLY THROUGH THE COMPTROLLER'S VENDOR WEB SYSTEM. A LINK TO THE EFT APPLICATION CAN BE FOUND ON THE OSD FORMS PAGE (WWW.MASS.GOV/OSD). ADDITIONAL INFORMATION ABOUT EFT IS AVAILABLE ON THE VENDORWEB SITE (WWW.MASS.GOV/OSC). CLICK ON MASSFINANCE.

SUCCESSFUL BIDDERS, UPON NOTIFICATION OF CONTRACT AWARD, WILL BE REQUIRED TO ENROLL IN EFT AS A CONTRACT REQUIREMENT BY COMPLETING AND SUBMITTING THE AUTHORIZATION FOR ELECTRONIC FUNDS PAYMENT FORM TO THIS DEPARTMENT FOR REVIEW, APPROVAL AND FORWARDING TO THE OFFICE OF THE COMPTROLLER. IF THE BIDDER IS ALREADY ENROLLED IN THE PROGRAM, IT MAY SO INDICATE IN ITS RESPONSE. BECAUSE THE AUTHORIZATION FOR ELECTRONIC FUNDS PAYMENT FORM CONTAINS BANKING INFORMATION, THIS FORM, AND ALL INFORMATION CONTAINED ON THIS FORM, SHALL NOT BE CONSIDERED A PUBLIC RECORD AND SHALL NOT BE SUBJECT TO PUBLIC DISCLOSURE THROUGH A PUBLIC RECORDS REQUEST.

THE REQUIREMENT TO USE EFT MAY BE WAIVED BY THE SST ON A CASE-BY-CASE BASIS IF PARTICIPATION IN THE PROGRAM WOULD BE UNDULY BURDENSOME ON THE BIDDER. IF A BIDDER IS CLAIMING THAT THIS REQUIREMENT IS A HARDSHIP OR UNDULY BURDENSOME, THE SPECIFIC REASON MUST BE DOCUMENTED IN ITS RESPONSE. THE SST WILL CONSIDER SUCH REQUESTS ON A CASE-BY-CASE BASIS AND COMMUNICATE THE FINDINGS WITH THE BIDDER.

EXECUTIVE ORDER 509, ESTABLISHING NUTRITION STANDARDS FOR FOOD PURCHASED AND SERVED BY STATE AGENCIES. FOOD PURCHASED AND SERVED BY STATE AGENCIES MUST BE IN COMPLIANCE WITH EXECUTIVE ORDER 509, ISSUED IN JANUARY 2009. UNDER THIS EXECUTIVE ORDER, ALL CONTRACTS RESULTING FROM PROCUREMENTS POSTED AFTER JULY 1, 2009 THAT INVOLVE THE PURCHASE AND PROVISION OF FOOD MUST COMPLY WITH NUTRITION GUIDELINES ESTABLISHED BY THE DEPARTMENT OF PUBLIC HEALTH (DPH). THE NUTRITION GUIDELINES ARE AVAILABLE AT THE DEPARTMENT'S WEBSITE: TOOLS AND RESOURCES FOR IMPLEMENTATION OF EXECUTIVE ORDER 509.

HIPAA: BUSINESS ASSOCIATE CONTRACTUAL OBLIGATIONS. BIDDERS ARE NOTIFIED THAT ANY DEPARTMENT MEETING THE DEFINITION OF A COVERED ENTITY UNDER THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA) WILL INCLUDE IN THE RFR AND RESULTING CONTRACT SUFFICIENT LANGUAGE ESTABLISHING THE SUCCESSFUL BIDDER'S CONTRACTUAL OBLIGATIONS, IF ANY, THAT THE DEPARTMENT WILL REQUIRE IN ORDER FOR THE DEPARTMENT TO COMPLY WITH HIPAA AND THE PRIVACY AND SECURITY REGULATIONS PROMULGATED THEREUNDER (45 CFR PARTS 160, 162, AND 164) (THE PRIVACY AND SECURITY RULES). FOR EXAMPLE, IF THE DEPARTMENT DETERMINES THAT THE SUCCESSFUL BIDDER IS A BUSINESS ASSOCIATE PERFORMING FUNCTIONS OR ACTIVITIES INVOLVING PROTECTED HEALTH INFORMATION, AS SUCH TERMS ARE USED IN THE PRIVACY AND SECURITY RULES, THEN THE DEPARTMENT WILL INCLUDE IN THE RFR AND RESULTING CONTRACT A SUFFICIENT DESCRIPTION OF BUSINESS ASSOCIATE'S CONTRACTUAL OBLIGATIONS REGARDING THE PRIVACY AND SECURITY OF THE PROTECTED HEALTH INFORMATION, AS LISTED IN 45 CFR 164.314 AND 164.504 (E), INCLUDING, BUT NOT LIMITED TO, THE BIDDER'S OBLIGATION TO: IMPLEMENT ADMINISTRATIVE, PHYSICAL, AND TECHNICAL SAFEGUARDS THAT REASONABLY AND

APPROPRIATELY PROTECT THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF THE PROTECTED HEALTH INFORMATION (IN WHATEVER FORM IT IS MAINTAINED OR USED, INCLUDING VERBAL COMMUNICATIONS); PROVIDE INDIVIDUALS ACCESS TO THEIR RECORDS; AND STRICTLY LIMIT USE AND DISCLOSURE OF THE PROTECTED HEALTH INFORMATION FOR ONLY THOSE PURPOSES APPROVED BY THE DEPARTMENT. FURTHER, THE DEPARTMENT RESERVES THE RIGHT TO ADD ANY REQUIREMENT DURING THE COURSE OF THE CONTRACT THAT IT DETERMINES IT MUST INCLUDE IN THE CONTRACT IN ORDER FOR THE DEPARTMENT TO COMPLY WITH THE PRIVACY AND SECURITY RULES. PLEASE SEE OTHER SECTIONS OF THE RFR FOR ANY FURTHER HIPAA DETAILS, IF APPLICABLE.

MINIMUM QUOTE (BID RESPONSE) DURATION. BIDDERS QUOTES MADE IN RESPONSE TO THIS BID MUST REMAIN IN EFFECT FOR AT LEAST 90 DAYS FROM THE DATE OF QUOTE SUBMISSION.

PROMPT PAYMENT DISCOUNTS (PPD). ALL BIDDERS RESPONDING TO THIS PROCUREMENT MUST AGREE TO OFFER DISCOUNTS THROUGH PARTICIPATION IN THE COMMONWEALTH PROMPT PAYMENT DISCOUNT (PPD) INITIATIVE FOR RECEIVING EARLY AND/OR ON-TIME PAYMENTS, UNLESS THE BIDDER CAN PROVIDE COMPELLING PROOF THAT IT WOULD BE UNDULY BURDENSOME. PPD BENEFITS BOTH CONTRACTORS AND THE COMMONWEALTH. CONTRACTORS BENEFIT BY INCREASED, USABLE CASH FLOW AS A RESULT OF FAST AND EFFICIENT PAYMENTS FOR COMMODITIES OR SERVICES RENDERED. PARTICIPATION IN THE ELECTRONIC FUNDS TRANSFER INITIATIVE FURTHER MAXIMIZES THE BENEFITS WITH PAYMENTS DIRECTED TO DESIGNATED ACCOUNTS, THUS ELIMINATING THE IMPACT OF CHECK CLEARANCE POLICIES AND TRADITIONAL MAIL LEAD TIME OR DELAYS. THE COMMONWEALTH BENEFITS BECAUSE CONTRACTORS REDUCE THE COST OF PRODUCTS AND SERVICES THROUGH THE APPLIED DISCOUNT. PAYMENTS THAT ARE PROCESSED ELECTRONICALLY CAN BE TRACKED AND VERIFIED THROUGH THE COMPTROLLER'S VENDOR WEB SYSTEM. THE PPD FORM CAN BE FOUND AS AN ATTACHMENT FOR THIS BID ON COMMBUYS.

BIDDERS MUST SUBMIT AGREEABLE TERMS FOR PROMPT PAYMENT DISCOUNT USING THE PPD FORM WITHIN THEIR PROPOSAL, UNLESS OTHERWISE SPECIFIED BY THE SST. THE SST WILL REVIEW, NEGOTIATE OR REJECT THE OFFERING AS DEEMED IN THE BEST INTEREST OF THE COMMONWEALTH.

THE REQUIREMENT TO USE PPD OFFERINGS MAY BE WAIVED BY THE SST ON A CASE-BY-CASE BASIS IF PARTICIPATION IN THE PROGRAM WOULD BE UNDULY BURDENSOME ON THE BIDDER. IF A BIDDER IS CLAIMING THAT THIS REQUIREMENT IS A HARDSHIP OR UNDULY BURDENSOME, THE SPECIFIC REASON MUST BE DOCUMENTED IN OR ATTACHED TO THE PPD FORM.

PUBLIC RECORDS. ALL RESPONSES AND INFORMATION SUBMITTED IN RESPONSE TO THIS RFR ARE SUBJECT TO THE MASSACHUSETTS PUBLIC RECORDS LAW, M.G.L., c. 66, s. 10, AND TO c. 4, s. 7, ss. 26. ANY STATEMENTS IN SUBMITTED RESPONSES THAT ARE INCONSISTENT WITH THESE STATUTES, INCLUDING MARKING BY BIDDERS OF INFORMATION AS CONFIDENTIAL DURING THE QUOTE SUBMISSION PROCESS IN COMMBUYS, SHALL BE DISREGARDED.

REASONABLE ACCOMMODATION. BIDDERS WITH DISABILITIES OR HARDSHIPS THAT SEEK REASONABLE ACCOMMODATION, WHICH MAY INCLUDE THE RECEIPT OF RFR INFORMATION IN AN ALTERNATIVE FORMAT, MUST COMMUNICATE SUCH REQUESTS IN WRITING TO THE CONTACT PERSON. REQUESTS FOR ACCOMMODATION WILL BE ADDRESSED ON A CASE BY CASE BASIS. A BIDDER REQUESTING ACCOMMODATION MUST SUBMIT A WRITTEN STATEMENT WHICH DESCRIBES THE BIDDER'S DISABILITY AND THE REQUESTED ACCOMMODATION TO THE CONTACT PERSON FOR THE RFR. THE SST RESERVES THE RIGHT TO REJECT UNREASONABLE REQUESTS.

RESTRICTION ON THE USE OF THE COMMONWEALTH SEAL. BIDDERS AND CONTRACTORS ARE NOT ALLOWED TO DISPLAY THE COMMONWEALTH OF MASSACHUSETTS SEAL IN THEIR BID PACKAGE OR SUBSEQUENT MARKETING MATERIALS IF THEY ARE AWARDED A CONTRACT BECAUSE USE OF THE COAT OF ARMS AND THE GREAT SEAL OF THE COMMONWEALTH FOR ADVERTISING OR COMMERCIAL PURPOSES IS PROHIBITED BY LAW.

SUBCONTRACTING POLICIES. PRIOR APPROVAL OF THE DEPARTMENT IS REQUIRED FOR ANY SUBCONTRACTED SERVICE OF THE CONTRACT. CONTRACTORS ARE RESPONSIBLE FOR THE SATISFACTORY PERFORMANCE AND ADEQUATE OVERSIGHT OF ITS SUBCONTRACTORS. HUMAN AND SOCIAL SERVICE SUBCONTRACTORS ARE ALSO REQUIRED TO MEET THE SAME STATE AND FEDERAL FINANCIAL AND PROGRAM REPORTING REQUIREMENTS AND ARE HELD TO THE SAME REIMBURSABLE COST STANDARDS AS CONTRACTORS.